

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA)	Civil No. 4:04-CV-00636 REL-RAW
)	
)	
Plaintiff,)	
)	Notice of Information
)	Regarding Memorandum of
v.)	Agreement at Woodward
)	Resource Center
)	
THE STATE OF IOWA;)	
CHESTER CULVER, Governor)	
of the State of Iowa)	
)	
Defendants.)	
)	

COME NOW the Plaintiff, the United States of America, and the Defendants, the State of Iowa, et. al., and provide the following notice to the Court regarding the termination of the consent decree with respect to Woodward Resource Center, stating:

1. On November 24, 2004, the Court entered a Settlement Agreement and the Iowa State Resource Plan ("SRC Plan"), which was incorporated by reference into the Settlement Agreement (collectively, "court orders"). The SRC Plan required the State and WRC to take measures to improve conditions in a number of areas at WRC.¹

2. The effective date of the SRC Plan was October 1, 2004 (SRC Plan, Paragraph I.G). The SRC Plan established timetables

¹ The Settlement Agreement and SRC Plan also concern conditions at the Glenwood Resource Center ("GRC") in Glenwood, Iowa. However, this Notice does not concern GRC.

by which the State and WRC were to implement the requirements of the SRC Plan.

3. All requirements of the SRC Plan were to be implemented three years from the effective date of the SRC Plan, meaning that the SRC Plan was to be fully implemented by October 1, 2007.

4. The Settlement Agreement calls for the court orders to terminate four and one-half years from the effective date of the court orders, which will be April 1, 2009 (Settlement Agreement - Paragraph V).

5. Since entry of the court orders, the United States has diligently monitored the status of the State's compliance with implementation of the terms of the SRC Plan and has determined that WRC is in substantial compliance with the SRC Plan.

6. In particular, WRC has achieved substantial compliance with the SRC's provisions regarding: protecting residents from harm; developing integrated protections, services, treatments and supports; clinical care; psychiatric care; psychological care; medical care; neurological care; nursing care; physical and nutritional management ("PNM"); communication services; habilitation, training, education and skill acquisition services; planning for movement, transition and discharge; and the development of recordkeeping systems. Notably, the facility has implemented excellent protection from harm measures, quality

assurance systems, medical services, and interdisciplinary team practices. Its efforts to place persons into the most integrated settings appropriate to their needs are robust and yet careful and respectful. In the area of behavioral supports and services, the facility is in the process of developing cutting-edge interventions, and in the area of PNM services, it has successfully (albeit recently) implemented an unusually sophisticated and capable system of care. Undergirding many of these systems and programs is an electronic recordkeeping system of remarkable capacity.

8. The time of continued Court oversight from October 2007 to April 2009 was intended to ensure that, once compliance with the SRC Plan had been achieved, WRC would maintain this compliance for over a year, and in doing so, demonstrate that implementation of the Plan's provisions was sustained and integrated into the operations of WRC.

9. The United States' determination is that WRC came into substantial compliance with all of the PNM service requirements in approximately February 2009. Thus, WRC has not yet demonstrated sustained substantial compliance in this area. Accordingly, the parties have agreed that the United States may continue to monitor PNM services for an additional year, in

connection with the United States' monitoring of compliance activities at GRC.

10. The terms of this agreement are set forth in a Memorandum of Agreement that was executed by the parties. For the Court's information, a copy of the MOA is attached hereto as Attachment A.

11. The MOA is not offered as an order of the Court, but represents a private agreement between the United States and the State of Iowa.

12. The key provisions of the MOA are that: a) the United States may continue to monitor PNM services at WRC for a period of one year; b) the substantive terms of the MOA are the same requirements as those set forth in Section XI of the SRC Plan, and Section XI is incorporated by reference into the MOA; and c) should PNM services at WRC decline during the term of the MOA, the parties will collaborate on the development of measures to improve PNM services.

13. The United States continues its compliance monitoring at GRC.

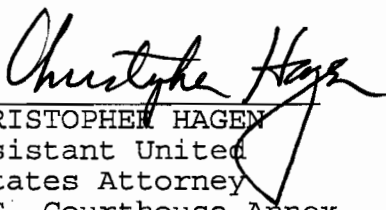
14. Counsel for the State of Iowa has reviewed this Notice and consents to its submission.

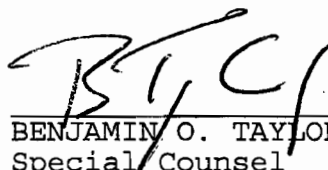
Respectfully submitted,

Counsel for the United States

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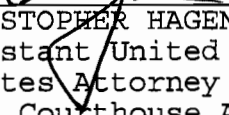

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CERTIFICATE OF SERVICE

I hereby certify that on 4/1, 2009 I caused the foregoing to be served on the following by electronic mail:

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